

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference 311315	FOR FURTHER ACTION		See item 4 below
International application No. PCT/EP2006/060837	International filing date (<i>day/month/year</i>) 17 March 2006 (17.03.2006)	Priority date (<i>day/month/year</i>) 11 May 2005 (11.05.2005)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant ROBERT BOSCH GMBH			

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 *bis*.1(a).
2. This REPORT consists of a total of 6 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the report |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input checked="" type="checkbox"/> | Box No. VIII | Certain observations on the international application |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44*bis*.3(c) and 93*bis*.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44*bis*.2).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Date of issuance of this report 06 December 2007 (06.12.2007) Authorized officer <p style="text-align: center; font-weight: bold;">Agnes Wittmann-Regis</p> e-mail: pt06.pct@wipo.int
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PATENT COOPERATION TREATY

TRANSLATION

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

Date of mailing **See form PCT/ISA/210**
(day/month/year)

Applicant's or agent's file reference

311315

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/EP2006/060837

International filing date (day/month/year)

17.03.2006

Priority date (day/month/year)

11.05.2005

International Patent Classification (IPC) or both national classification and IPC

B25D11/12

Applicant

ROBERT BOSCH GMBH

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP	Date of completion of this opinion	Authorized officer
Facsimile No.		Telephone No.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2006/060837

Box No. 1 Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of:
 - ☒ the international application in the language in which it was filed
 - ☐ the translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rule 12.3(a) and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material
 - ☐ on paper
 - ☐ in electronic form
 - c. time of filing/furnishing
 - ☐ contained in the international application as filed
 - ☐ filed together with the international application in electronic form
 - ☐ furnished subsequently to this Authority for the purposes of search
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

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Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	_____	YES
	Claims	1-16	NO
Inventive step (IS)	Claims	_____	YES
	Claims	1-16	NO
Industrial applicability (IA)	Claims	1-16	YES
	Claims	_____	NO
2. Citations and explanations:			
1 Reference is made to the following documents:			
D1: DE 35 05 544 A1 (HILTI AG) 21 August 1986			
D2: US 1 901 981 A (OUSBACK MATS GOSTA HARRY) 21 March 1933			
D3: CH 659 422 A5 (BLACK & DECKER INC) 30 January 1987			
D4: DE 36 34 593 A1 (BLACK & DECKER INC) 14 April 1988			
D5: WO 03/041915 A (BLACK & DECKER INC; HANKE, ANDREAS) 22 May 2003			
D6: US 2 260 172 A (JR. ALENZO G. DECKER) 21 October 1941			
D7: EP 1 252 976 A (BLACK & DECKER INC) 30 October 2002			
D8: DE 33 10 145 A1 (HILTI AG; HILTI AG, SCHAAAN, LI) 27 September 1984			
2 INDEPENDENT CLAIM 1			
2.1 Notwithstanding the lack of clarity mentioned below in Box VIII, the subject matter of claim 1 is otherwise not novel within the meaning of PCT Article 33(2) and therefore the requirements of PCT Article 33(1) have not been met.			
2.2 Document D1 discloses (the references between parentheses refer to said document):			

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Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

an electric power tool having a drive (9), arranged in a housing, and a percussion mechanism and a handle (see figure 1), comprising an eccentric (16) driven by the drive (9), wherein the percussion mechanism comprises movable parts (11, 13), wherein at least two of the movable parts (11, 13) are displaceable in a separate guide cylinder (5).

2.3 Documents D2, D3, D4, D5, D6, D7, D8 also disclose the subject matter of claim 1, see said documents and the corresponding passages cited in the search report.

3 DEPENDENT CLAIMS 2-16

Dependent claims 2-16 do not contain any features which, in combination with the features of any claim to which they refer, meet the PCT requirements for novelty and inventive step, see documents D1, D2, D3, D4, D5, D6 and D7 and the corresponding passages cited in the search report.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

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Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

The application does not meet the requirements of PCT Article 6 because claim 1 is not clear. In the characterizing part of claim 1, there appears to be a contradiction to the description and the figures, wherein the cylinder does not appear to be fixed relative to the movable parts and the eccentric. It has therefore been interpreted as: "... characterized in that at least two of the movable parts are displaceable in a separate guide cylinder."